

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JOSHUA ADAM SCHULTE,

Defendant.

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17-CR-548 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On May 19, 2022, the Government filed a letter motion asking the Court to preclude the testimony of three witnesses Defendant has subpoenaed and to rule *in limine* on the admissibility of testimony from other witnesses subpoenaed by Defendant. *See* ECF No. 813. On May 30, 2022, standby counsel filed a letter on Defendant's behalf stating that he does not intend to call two of the three witnesses whose testimony the Government moved to preclude and seeking an extension of his deadline to otherwise respond to the Government's letter motion. *See* ECF No. 833. Having reviewed standby counsel's letter, the Court orders as follows:


- The Government's motion as to the two witnesses Defendant does not intend to call is DENIED as moot. In light of standby counsel's representation, the Government need not arrange for those witnesses to be available to testify.
- As to the third witness whose testimony the Government moved to preclude, Michael Pompeo, Defendant will be given an opportunity to be heard on that issue at the final pretrial conference on June 3, 2022.
- As to the other potential witnesses Defendant has subpoenaed, Defendant's request for an extension of his deadline to respond is GRANTED. Defendant shall file a detailed proffer as to those witnesses by **June 2, 2022**. His response should focus in particular on any witnesses Defendant knows or has reason to know that it would be particularly burdensome for the Government to arrange for them to be available to testify. *See* ECF No. 813, at 7. The Government may, if it wishes, identify particular witnesses in that category for Defendant — in which case, it should do so no later than June 1, 2022. That being said, Defendant must make a proffer as to *all* of the subpoenaed witnesses who are

current or former CIA employees. *See* ECF No. 826.

Finally, the parties should be prepared to discuss this issue at the final pretrial conference on June 3, 2022.

SO ORDERED.

Dated: May 31, 2022
New York, New York



JESSE M. FURMAN
United States District Judge